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08 MAR 24 AM 11:50

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

1 MCGUIREWOODS LLP  
2 TRACY EVANS-MOYER, SBN 243212  
3 1800 Century Park East, 8<sup>th</sup> Floor  
4 Los Angeles, California 90067  
5 Telephone: (310) 315-8200  
6 Facsimile: (310) 315-8210  
7  
8 Attorneys for  
9 IHHR Hospitality Private Limited

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

10  
11 IHHR HOSPITALITY PRIVATE  
12 LIMITED,

CASE NO.

'08 CV 0540 LAB AJB

13 Plaintiff,

COMPLAINT

vs.

14 LESLIE A. CABEZAS and MANUEL  
15 E. CABEZAS d/b/a ANANDA  
16 CENTER,

17 Defendant.

18  
19 NOW COMES Plaintiff IHHR Hospitality Private Limited ("IHHR"), by its  
20 attorney, Tracy Evans-Moyer of McGuireWoods LLP, and for its Complaint against  
21 Defendants Leslie A. Cabezas and Manuel E. Cabezas d/b/a Ananda Center  
22 ("Ananda Center") states as follows:

23 PARTIES

24 1. IHHR is an Indian corporation with its principal place of business  
25 located in India. IHHR operates a world class health and beauty spa located at  
26 Narendra Nagar, Rishikesh.

27 2. On information and belief, Leslie A. Cabezas and Manuel E. Cabezas  
28 are California citizens doing business as Ananda Center at a principal place of

1 business located at 945 Hornblend Street, Suite C, San Diego, California 92109  
2 (“Ananda Center”). Ananda Center operates a health and beauty spa.

3 **JURISDICTION AND VENUE**

4 3. This action is for (i) federal trademark infringement under the Lanham  
5 Act, 15 U.S.C. § 1114, (ii) federal unfair competition under the Lanham Act, 15  
6 U.S.C. §1125(a), (iii) violation of the Federal Trademark Dilution Act, 15 U.S.C. §  
7 1125(c), (iv) violation of the Anticybersquatting Consumer Protection Act, 15  
8 U.S.C. § 1125(d), (v) unfair competition and deceptive trade practices, California  
9 Business and Professions Code, § 17200 *et. seq.* and (vi) misappropriation under the  
10 common law of the State of California.

11 4. This Court has original jurisdiction over IHHR’s claims pursuant to 28  
12 U.S.C. § 1331 and 28 U.S.C. § 1338 and supplemental jurisdiction over all pendent  
13 claims pursuant to 28 U.S.C. § 1367(a).

14 5. This Court has personal jurisdiction over Ananda Center because Leslie  
15 A. Cabezas and Manuel E. Cabezas are citizens of California and Ananda Center is  
16 doing business in the State of California and has its principal place of business  
17 within this judicial district.

18 6. Venue in the Southern District of California is proper under 28 U.S.C.  
19 § 1391(b)(1) because, on information and belief, Leslie A. Cabezas and Manuel E.  
20 Cabezas reside in this judicial district and under 28 U.S.C. § 1391(b)(2) because a  
21 substantial part of the events giving rise to IHHR’s claims occurred in this district.

22 **IHHR’S FAMOUS ANANDA TRADEMARK**

23 7. IHHR owns the federal trademark registration (Reg. No. 3,011,041) for  
24 the mark ANANDA in connection with “health spa services for health and wellness  
25 of the body and spirit offered at a health resort” in International Class 44 and “spa  
26 services, namely, providing temporary accommodations and meals to clients of a  
27 health or beauty spa” in International Class 43.

28 ///

1       8. IHHR consistently and prominently displays and advertises its goods  
2 and services under the ANANDA mark in connection with its spa services. IHHR  
3 registered its domain name www.anandaspa.com on or about February 15, 1999.  
4 IHHR's website went live in Fall 1999. IHHR's services have been promoted under  
5 the ANANDA mark through its website since 1999 and in publications circulated  
6 throughout the United States since at least as early as July 2000.

7       9. As a result of IHHR's extensive sales, advertising and promotion of its  
8 spa services under the ANANDA mark, and through favorable industry acceptance  
9 and recognition in the United States and throughout the world, the relevant  
10 consuming public and trade have come to recognize and identify IHHR as the  
11 source of quality spa services offered in connection with the ANANDA mark.

12      10. As a result of IHHR's extensive sales, advertising, and promotion of  
13 spa services under the ANANDA mark, the ANANDA mark has become distinctive  
14 and famous under Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

15      11. Accordingly, the ANANDA mark is an asset of incalculable value as an  
16 identifier of IHHR and its high quality services and goodwill. To this end, IHHR  
17 carefully guards its intellectual property rights in the ANANDA mark.

#### 18      **ANANDA CENTER'S WRONGFUL ADOPTION AND USE OF THE ANANDA MARK**

19      12. On information and belief, Ananda Center adopted and began using the  
20 ANANDA mark in connection with its provision of spa services at its physical  
21 location in San Diego, California no earlier than 2001 and in connection with its  
22 website located at http://www.anandacenter.com no earlier than Spring 2004.

23      13. IHHR never authorized, licensed or otherwise permitted Ananda Center  
24 to use the ANANDA mark or any other mark that is confusingly similar to its  
25 ANANDA mark.

26      14. On information and belief, at the time Ananda Center first used the  
27 ANANDA mark in commerce, Ananda Center had actual knowledge of IHHR's use

28      ///

1 of the ANANDA mark, of the valuable reputation and goodwill symbolized by the  
2 ANANDA mark, and of the ANANDA mark's association with IHHR.

3        15. As such, Ananda Center's actions were and are willful and intentional  
4 and were and are intended to trade on the reputation and goodwill of IHHR, and to  
5 confuse and deceive consumers.

6        16. After learning of Ananda Center's use of the ANANDA mark in  
7 connection with spa services, by letter dated April 25, 2007, IHHR objected thereto  
8 and requested that Ananda Center cease such use. In response, by letter dated June  
9 25, 2007, Ananda Center denied IHHR's claim of infringement. Again, by letter  
10 dated October 10, 2007, IHHR requested that Ananda Center cease use of the  
11 ANANDA mark. Ananda Center has refused this request.

12 ANANDA CENTER'S USE OF THE ANANDA MARK DILUTES THE DISTINCTIVENESS  
13 OF THE ANANDA MARK AND MAKES CONFUSION LIKELY

14        17. Ananda Center's use of the ANANDA mark and the domain name  
15 www.anandacenter.com is likely to mislead, deceive, and confuse the relevant  
16 purchasing public and trade. It is likely that consumers will mistakenly believe that  
17 Ananda Center's spa services under the ANANDA mark are connected, associated  
18 or in some way affiliated with IHHR, when in fact no such connection, association  
19 or affiliation exists.

18. Ananda Center's use of the ANANDA mark dilutes the distinctive  
quality of the famous ANANDA mark.

22        19. As a result of Ananda Center's acts, IHHR has suffered and continues  
23 to suffer substantial damage and irreparable injury. IHHR has no adequate remedy  
24 at law, and unless Ananda Center is restrained and enjoined by the Court, Ananda  
25 Center's acts will continue to cause damage and irreparable injury to IHHR, and to  
26 damage its goodwill and business reputation. IHHR cannot ascertain the precise  
27 amount of its damages at this time.

28 | //

## COUNT I

# FEDERAL TRADEMARK INFRINGEMENT

20. For its Paragraph 20, IHHR restates and realleges Paragraphs 1 through 19 as if fully set forth herein.

6        21. Ananda Center's unauthorized use of the ANANDA mark is likely to  
7 cause confusion, mistake or deception as to the source, sponsorship or approval of  
8 Ananda Center's spa services. The relevant consuming public and the trade are  
9 likely to believe that Ananda Center's services originate with IHHR, are licensed,  
10 sponsored or approved by IHHR, or are in some way connected with or related to  
11 IHHR. Accordingly, Ananda Center's unauthorized use of the ANANDA mark is in  
12 violation of §32(1) of the Lanham Act, 15 U.S.C. §1114.

13        22. Ananda Center's unauthorized use of the ANANDA mark constitutes  
14 intentional and willful infringement of IHHR's rights in and to the federally  
15 registered ANANDA mark in violation of §32(1) of the Lanham Act, 15 U.S.C. §  
16 1114.

17       23. Ananda Center's infringing acts have occurred in commerce and have  
18 caused, and unless restrained will continue to cause, serious and irreparable injury to  
19 IHHR, for which IHHR has no adequate remedy at law.

## COUNT II

## **FEDERAL UNFAIR COMPETITION**

23           24. For its Paragraph 24, IHHR restates and realleges Paragraphs 1 through  
24 19 as if fully set forth herein.

25        25. Ananda Center's unauthorized use of the ANANDA mark constitutes  
26 use of a false designation of origin and false or misleading representation, which  
27 wrongly and falsely designates, describes, and represents the origin of Ananda  
28 Center's services as originating from or being connected with IHHR, and is likely to

1 cause confusion, or to cause mistake, or to deceive as to Ananda Center's affiliation,  
2 connection, or association with IHHR, or as to the origin, sponsorship, or approval  
3 of Ananda Center's services by IHHR in violation of Section 43(a) of the Lanham  
4 Act, 15 U.S.C. § 1125(a).

5       26. Ananda Center's acts have occurred in commerce and have caused, and  
6 unless restrained by this Court will continue to cause, serious and irreparable injury  
7 to IHHR, for which IHHR has no adequate remedy at law.

COUNT III

## **FEDERAL TRADEMARK DILUTION**

11        27. For its Paragraph 27, IHHR restates and realleges Paragraphs 1 through  
12 19 as if fully set forth herein.

13       28. The ANANDA mark is and has been prior to Ananda Center's  
14 infringing acts distinctive and famous as a result of (among other things) IHHR's  
15 lengthy and extensive use and promotion of the ANANDA mark.

16        29. Ananda Center's unauthorized use of the ANANDA mark causes injury  
17 to the business reputation of IHHR by impairing the effectiveness of the famous  
18 ANANDA mark, and dilutes the distinctive quality of the famous ANANDA mark  
19 in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

20       30. Ananda Center's unlawful acts have occurred in commerce and have  
21 caused, and unless restrained by this Court will continue to cause, serious and  
22 irreparable injury to IHHR, for which IHHR has no adequate remedy at law.

## COUNT IV

## ANTICYBERSQUATTING CONSUMER PROTECTION ACT

26       31. For its Paragraph 31, IHHR restates and realleges Paragraphs 1 through  
27 19 as if fully set forth herein.

28 | //

1       32. The ANANDA mark is and has been, prior to Ananda Center's  
2 infringing acts, distinctive and famous as a result of (among other things) IHHR's  
3 lengthy and extensive use and promotion of the ANANDA mark.

4       33. Ananda Center has and continues to use the ANANDA mark and the  
5 [www.anandacenter.com](http://www.anandacenter.com) domain name with a bad faith intent to profit from the  
6 ANANDA mark in violation of Section 43(d) of the Lanham Act, 15 U.S.C. §  
7 1125(d).

8        34. As a result of Ananda Center's unlawful acts, IHHR is entitled to the  
9 transfer of the [www.anandacenter.com](http://www.anandacenter.com) domain name from Ananda Center to IHHR  
10 pursuant to Section 43(d)(1)(c) of the Lanham Act, 15 U.S.C. § 1125(d)(1)(c)

11       35. As a result of Ananda Center's unlawful acts, IHHR is entitled to  
12 recover statutory damages in an amount not less than \$1,000 and not more than  
13 \$100,000 pursuant to Section 35(d) of the Lanham Act, 15 U.S.C. § 1117(d).

14       36. Ananda Center's unlawful acts have occurred in commerce and have  
15 caused, and unless restrained by this Court will continue to cause, serious and  
16 irreparable injury to IHHR, for which IHHR has no adequate remedy at law.

**COUNT V**

## **UNFAIR COMPETITION AND DECEPTIVE TRADE PRACTICES**

20       37. For its Paragraph 37, IHHR restates and realleges Paragraphs 1 through  
21 19 as if fully set forth herein.

22       38. Plaintiff is informed and believes and thereon alleges that as a result of  
23 the actions of Ananda Center as set forth in paragraphs 1-36 above, including  
24 deceptive trade practices with the purpose to infringing and misappropriating the  
25 ANANDA mark and to unfairly compete with IHHR in violation of 15 U.S.C. 1114,  
26 and 15 U.S.C. 1125(a), (c), and (d), are unlawful, unfair and fraudulent business  
27 practices as contemplated by § 17200 *et. seq.* of California Business and Profession  
28 Code.

1       39. Ananda Center's acts have caused, and unless restrained by this Court  
2 will continue to cause, serious and irreparable injury to IHHR, for which IHHR has  
3 no adequate remedy at law.

## COUNT VI

## MISAPPROPRIATION

7       40. For its Paragraph 40, IHHR restates and realleges Paragraphs 1 through  
8 19 as if fully set forth herein.

9        41. As a result of Ananda Center's unlawful actions, Ananda Center has  
10 misappropriated valuable property rights of IHHR, has passed off its services as  
11 those of IHHR, and is trading on the goodwill symbolized by the distinctive and  
12 famous ANANDA mark with no consideration or payment to IHHR.

13        42. Ananda Center received and continues to receive profits and benefits  
14 from its provision of services under the ANANDA mark, which profits and benefits  
15 rightfully belong to IHHR.

16       43. Ananda Center's acts have caused, and unless restrained by this Court  
17 will continue to cause, serious and irreparable injury to IHHR, for which IHHR has  
18 no adequate remedy at law.

## COUNT VII

## **ACCOUNTING**

22        44. For its Paragraph 44, IHHR restates and realleges Paragraphs 1 through  
23 19 as if fully set forth herein.

24        45. By virtue of the facts set forth above, IHHR is entitled to and demands  
25 a complete accounting of the gross revenues and profits of Ananda Center arising  
26 from, related to, diverted from, or otherwise attributable to the sale of spa services  
27 under the ANANDA mark or arising from use of the [www.anandacenter.com](http://www.anandacenter.com)  
28 domain name.

1 WHEREFORE, IHHR Hospitality Private Limited respectfully requests that  
2 this Court enter an order as follows:

- 3 A. That Ananda Center has violated §§ 32(1), 43(a), 43(c), and 43(d) of  
4 the Lanham Act and committed acts of unfair competition and  
5 deceptive trade practices and misappropriation under California  
6 common and statutory law;
- 7 B. That Ananda Center and its officers, members, agents, servants,  
8 employees, representatives, parents, subsidiaries and related companies  
9 and all others in active concert or participation with it, either directly or  
10 indirectly, be preliminarily and permanently enjoined and restrained  
11 from:
- 12 i. using the ANANDA mark or name or any other mark, logo, name or  
13 designation that creates a likelihood of confusion, mistake or  
14 deception with respect to the ANANDA mark, or in any way dilutes  
15 the famous ANANDA mark;
- 16 ii. doing any other act or thing likely to induce or that induces the  
17 mistaken belief that Ananda Center is in any way affiliated,  
18 connected, or associated with IHHR or its products and services;
- 19 iii. licensing or authorizing others to use the ANANDA mark or any  
20 other confusingly similar mark;
- 21 iv. injuring IHHR's business reputation and the goodwill associated  
22 with the ANANDA mark, and from otherwise unfairly competing  
23 with IHHR in any manner whatsoever; and
- 24 v. passing off its services as those of IHHR;
- 25 C. That, pursuant to 15 U.S.C. §1118, Ananda Center be required to  
26 deliver to IHHR for destruction (or in the case of webpage text and  
27 images, destruction without delivery to the Court) all products, labels,  
28 packages, advertisements, promotions and all other matter in the

- 1 custody or under the control of Ananda Center that bears the ANANDA  
2 mark or any other mark that is likely to be confused with the IHHR  
3 mark;
- 4 D. That Ananda Center be required to immediately remove all uses of and  
5 references to the ANANDA mark from the website located at  
6 <http://www.anandacenter.com>;
- 7 E. That Ananda Center be required to transfer the [www.anandacenter.com](http://www.anandacenter.com)  
8 domain name to IHHR;
- 9 F. That a complete accounting of the gross revenues and profits of Ananda  
10 Center arising from, related to, diverted from, or otherwise attributable  
11 to sale of goods or services under the ANANDA mark or through the  
12 domain name [www.anandacenter.com](http://www.anandacenter.com) be conducted;
- 13 G. That IHHR be awarded monetary relief in an amount to be fixed by the  
14 Court in its discretion as just, including:  
15 i. all profits received by Ananda Center from sales and revenues of  
16 any kind made as a result of its actions, trebled;  
17 ii. all damages sustained by IHHR as a result of Ananda Center's  
18 actions, trebled; and  
19 iii. the costs incurred by IHHR in bringing this action;
- 20 H. That Ananda Center compensate IHHR for the advertising and other  
21 expenditures necessary to dispel any public confusion caused by  
22 Ananda Center's unlawful acts;
- 23 I. That pursuant to 15 U.S.C. § 1116, Ananda Center be directed to file  
24 with the Court and serve on IHHR within thirty (30) days after issuance  
25 of an injunction, a report in writing and under oath setting forth in  
26 detail the manner and form in which Ananda Center has complied with  
27 the judgment and order;
- 28 J. That because of the exceptional nature of this case resulting from

1 Ananda Center's deliberate and willful infringing actions, this Court  
2 award to IHHR all reasonable attorneys' fees, costs, and disbursements  
3 incurred by it as a result of this action, pursuant to 15 U.S.C. § 1117;

4 K. That IHHR shall have such other and further relief as the Court may  
5 deem just and equitable.

6 **JURY DEMAND**

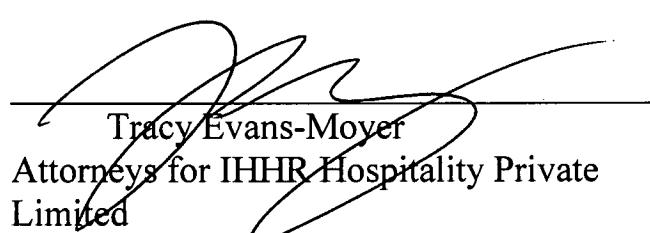
7 IHHR hereby demands a trial by jury as to all appropriate claims pursuant to  
8 Rules 38 and 39 of the Federal Rules of Civil Procedure.

9  
10 DATED: March 21, 2008

Respectfully submitted,

11 MCGUIREWOODS LLP

12 By:

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Tracy Evans-Moyer  
14 Attorneys for IHHR Hospitality Private  
15 Limited

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**UNITED STATES  
DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
SAN DIEGO DIVISION**

**# 149040 - SH  
\* \* C O P Y \* \*  
March 24, 2008  
11:48:12**

**Civ Fil Non-Pris**

USAO #: 08CV0540  
Judge.: LARRY A BURNS  
Amount.: \$350.00 CK  
Check#: BC8629

**Total-> \$350.00**

FROM: IHHR HOSPITALITY PRIVATE LIMIT  
V. LESLIE A CABEZAS ET AL

**ORIGINAL**

JS 44 (Rev. 11/04)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**FILED****I. (a) PLAINTIFFS**

IHHR HOSPITALITY PRIVATE LIMITED

(b) County of Residence of First Listed Plaintiff Foreign  
(EXCEPT IN U.S. PLAINTIFF CASES)**DEFENDANTS**LESLIE A. CABEZAS and MANUEL E. CABEZAS d/b/a  
ANANDA CENTER

08 MAR 24 AM 11:50

County of Residence of First Listed Defendant S. DISTRICT COURT  
(IN U.S. PLAINTIFF CASES ONLY OF CALIFORNIA)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

Attorneys (If Known)

08 CV 0540 LAB AJB DEPUTY

(c) Attorney's (Firm Name, Address, and Telephone Number)

MCGUIREWOODS LLP, 1800 Century Park East, 8th Floor, Los  
Angeles, CA 90067, 310-315-8200**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- |  |   |
|--|---|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity<br>(Indicate Citizenship of Parties in Item III) |

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input checked="" type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<b>LABOR</b>	<input type="checkbox"/> 863 DIWC/DIW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PARTICIPANT PETITIONS	FEDERAL TAX SUITS	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<b>Habeas Corpus:</b>	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General		<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty		<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other		<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition		

**V. ORIGIN**

(Place an "X" in One Box Only)

- |   |   |  |   |  |   |                            |
|---|---|--|---|--|---|----------------------------|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from another district (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 7 |
|---|---|--|---|--|---|----------------------------|

Appeal to District Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity):  
**15 U.S.C. 1114; 15 U.S.C. 1125(a), (c), (d); Cal. Bus. and Professions Code 17200****VI. CAUSE OF ACTION**Brief description of cause:  
**Defendants unlawfully adopted and continue to unlawfully use Plaintiff's trademark without authorization****VII. REQUESTED IN COMPLAINT:**

(See instructions):

JUDGE

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND:  Yes  No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

3/22/08

FOR OFFICE USE ONLY

RECEIPT # **149040**AMOUNT **\$350**

APPLYING IFFP

JUDGE

MAG. JUDGE

8/1 3/24/08

Tracy Evans-Moyer, SBN 243212